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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,936	12/10/2003	Yasuji Ogami	246446US-2S CONT	8447
22850	7590	06/02/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MAPLES, JOHN S	
			ART UNIT	PAPER NUMBER
			1795	
			NOTIFICATION DATE	DELIVERY MODE
			06/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/730,936	Applicant(s) OGAMI ET AL.	
	Examiner John S. Maples	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1795

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. (New Rejection)

Applicant is now claiming "plural plate reactant-gas supplying separators" located between the plurality of unit cells in each of independent claims 1 (lines 5-6), 3 (lines 6-7), 4 (lines 6-7) and 5 (lines 6-7). This is incorrect because there is only one separator that is present between each pair of unit cells. There are not a plurality of separators between each pair of unit cells as claims 1, 3, 4, 5 recite. There is no support for this newly added claim language in the originally filed specification.

Claim 2, dependent on claim 1, falls therewith and each of claims 6, 7, 8 dependent on claims 3, 4 and 5, respectively, fall therewith.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (New Rejection)

Applicant is claiming “of one adjacent unit cell” in line 7 of claim 1. This expression is unclear and indefinite because it is not known what the unit cell is adjacent to? It is also unclear with what element the unit cell is adjacent with? Clarification is required.

This same rejection is repeated for the same expression found in each of claim 3, line 8; claim 4, line 8 and claim 5, line 8. This expression is unclear and indefinite because it is not known what the unit cell is adjacent to? It is also unclear with what element the unit cell is adjacent with? Clarification is required.

In each of lines 11, 12-13, 14, 15, 17, 19-20 of claim 1, applicant is claiming “the plate reactant-gas supplying separator”. It is not known which plate reactant-gas supplying separator applicant is making reference to because applicant has previously claimed a plurality of plate reactant-gas supplying separators in claim 1. Clarification is required.

In each of lines 12, 13-14, 15, 16, 18, 20-21 of claim 3, applicant is claiming “the plate reactant-gas supplying separator”. It is not known which plate reactant-gas supplying separator applicant is making reference to because applicant has previously claimed a plurality of plate reactant-gas supplying separators in claim 3. Clarification is required.

In each of lines 12, 13-14, 15, 16, 18, 20-21 of claim 4, applicant is claiming “the plate reactant-gas supplying separator”. It is not known which plate reactant-gas supplying separator applicant is making reference to because applicant has previously

claimed a plurality of plate reactant-gas supplying separators in claim 4. Clarification is required.

In each of lines 12, 13-14, 15, 16, 21 of claim 5, applicant is claiming "the plate reactant-gas supplying separator". It is not known which plate reactant-gas supplying separator applicant is making reference to because applicant has previously claimed a plurality of plate reactant-gas supplying separators in claim 5. Clarification is required.

Claims 2, 6, 7 and 8, dependent on claims 1, 3, 4 and 5, respectively, fall therewith.

5. In view of the above first and second paragraph rejections, it is not known what constitutes the metes and bounds of applicant's invention and so a prior art search could not be conducted.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is 571-272-1287. The examiner can normally be reached on Monday-Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 1795

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John S. Maples/

John S. Maples
Primary Examiner
Art Unit 1795

JSM/5-25-2008

Application Number 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/730,936	OGAMI ET AL.	
	Examiner	Art Unit	
	John S. Maples	1795	